

removing the remaining fluid, from which the biological compartments have been separated, from the sample processing vessel;

introducing a second fluid into the sample processing vessel;

resuspending the magnetic particles in the second fluid by eliminating the magnetic force which held the magnetic particles against the inside wall of the sample processing vessel, and shaking the sample processing vessel;

lysing the biological compartments to form a lysis mixture; and

isolating the nucleic acids from the lysis mixture.

B2 17. (Amended) The method of claim 13, wherein the nucleic acids to be isolated are transferred to another vessel which is configured to receive a pipette.

20. (Amended) The method of claim 13, wherein each magnet has a mass of about 0.5 g to about 5 g.

B3 21. (Amended) The method of claim 13, wherein each magnet has a mass of about 1 g to about 4 g.

B4 28. (Amended) The method of claim 27, wherein the lysis mixture is warmed to a temperature above room temperature.

B5 34. (Amended) A method of isolating nucleic acids from biological compartments of a fluid sample comprising the steps of:

incubating the sample in a sample processing vessel with magnetic particles which magnetic particles are capable of binding with the biological compartments;

positioning at least one magnet towards the sample processing vessel to hold the magnetic particles against an inside wall of the sample processing vessel by magnetic force;

removing the remaining fluid, from which the biological compartments have been separated, from the sample processing vessel;

introducing a second fluid into the sample processing vessel;

resuspending the magnetic particles in the second fluid by eliminating the magnetic force which held the magnetic particles against the inside wall of the sample processing vessel, and shaking the sample processing vessel;

lysing the biological compartments to form a lysis mixture; and

warming the lysis mixture; and

cooling the lysis mixture under conditions that make it possible to isolate or hybridize the nucleic acids to be isolated or detected.

REMARKS

Claims 13-35 are currently pending. In this Response, Applicants amend claims 13, 17, 20, 21, 28 and 34.

Claims 13-35 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner had several objections to the claims, centered on claims 13, 17, 19-21, 28 and 34.